

NOV 21 2005

PTO/SB/84 (10-05)

Approved for use through 07/31/2006. OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

D02174

First named inventor: Matthew G. Walght

Application No.: 09/857,010

Art Unit: 2685

Filed: 05/29/2001

Examiner: Nguyen, Duc M.

Title: Universal Modulator

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

11/22/2005 SDENB082 00000071 502117 .09857010

**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in, 01 FC:1453 1500.00 DA  
the form of \_\_\_\_\_ (identify type of reply):☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.B. The issue fee and publication fee (if applicable) of \$ 1,400☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10-05)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Ben D. Driscoll  
Signature

11/21/05  
Date

Benjamin D. Driscoll  
Typed or printed name

41,571  
Registration Number, if applicable

Motorola, Inc.  
Address

(215) 323-1840  
Telephone Number

101 Tournament Drive, Horsham PA 19044  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

November 21, 2005  
Date

Carol J. Smith  
Signature  
Typed or printed name of person signing certificate

Effective on 12/05/2004 <b>FEE TRANSMITTAL</b> For FY 2005  <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<p align="center"><b>Complete if Known</b></p> <table border="1" style="width: 100%;"> <tr> <th style="width: 50%;">Application Number</th> <th style="width: 50%;">09/857,010</th> </tr> <tr> <th>Filing Date</th> <td>May 29, 2001</td> </tr> <tr> <th>First Named Inventor</th> <td>Matthew G. Waight</td> </tr> <tr> <th>Examiner Name</th> <td>Nguyen, Duc M.</td> </tr> <tr> <th>Group Art Unit</th> <td>2685</td> </tr> <tr> <th>Attorney Docket No.</th> <td>D02174</td> </tr> </table>		Application Number	09/857,010	Filing Date	May 29, 2001	First Named Inventor	Matthew G. Waight	Examiner Name	Nguyen, Duc M.	Group Art Unit	2685	Attorney Docket No.	D02174
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Examiner Name	Nguyen, Duc M.														
Group Art Unit	2685														
Attorney Docket No.	D02174														
TOTAL AMOUNT OF PAYMENT	( <b>\$</b> ) 1500														
METHOD OF PAYMENT (check all that apply)															
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____															
<input checked="" type="checkbox"/> Deposit Account               Deposit Account Number: <b>502117</b> Deposit Account Name: <b>MOTOROLA, INC.</b> For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)															
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) <input checked="" type="checkbox"/> Credit any overpayments															
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203B.															
<b>FEE CALCULATION</b>															
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>															
<b>FILING FEES</b>		<b>SEARCH FEES</b>													
<u>Small Entity</u>		<u>Small Entity</u>													
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>												
Utility	300	500													
Design	200	100													
Plant	200	300													
Reissue	300	500													
Provisional	200	0													
<b>EXAMINATION FEES</b>		<b>EXAMINATION FEES</b>													
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Reissue	300	500													
Provisional	200	0													
<b>2. EXCESS CLAIM FEES</b>															
<u>Fee Description</u>		<u>Fee(\$)</u>	<u>Small Entity Fee (\$)</u>												
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent		50	25												
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent		200	100												
Multiple dependent claims		360	180												
Total Claims	Extra Claims      Fee (\$)      =      Fee Paid (\$)	Multiple Dependent Claims													
[ ] - 20 or HP= [ ] x [ ] = [ ]	Fee(\$)      Fee Paid (\$)	[ ]      [ ]													
HP=highest number of total claims paid for, If greater than 20															
Indep. Claims	Extra Claims      Fee (\$)      =      Fee Paid (\$)														
[ ] - 3 or HP= [ ] x [ ] = [ ]															
HP=highest number of Independent claims paid for, If greater than 3															
<b>3. APPLICATION SIZE FEE:</b>															
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).															
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)												
[ ] - 100 = [ ] / 50 = [ ] (round up to a whole number) x [ ]			Fee Paid (\$)												
<b>4. OTHER FEE(S)</b>															
Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b)			Fee Paid (\$) \$1500												
SUBMITTED BY	Completa (if applicable)														
Name (Print/Type)	Benjamin D. Driscoll	Registration No.	41,571 Telephone 215-323-1840												
Signature	B. D. Driscoll	Date	11/21/05												